

COMPANY/MINE North American Equities Blazon  
PERMIT # 110 007/021

NOV/CO # 84-8-2-1  
VIOLATION # 1 of 1

EVENT VIOLATIONS INSPECTORS STATEMENT

A. SERIOUSNESS

1. What harmful event was this regulation designed to prevent? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Circle and explain each event.

- a. Activity outside the approved permit area.
- b. Injury to the public (public safety).
- c. Damage to property.
- d. Conducting activities without appropriate approvals.
- (e) Environmental harm.
- (f) Water pollution.
- g. Loss of reclamation / revegetation potential.
- h. Reduced establishment of a permanent, diverse and effective vegetative cover.
- i. Other.

Stability of material threatened by water standing on the upper side this material could slide and eventually breach a berm and enter a creek

2. Has the event occurred? Yes      No   /

If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen.

Culvert draining the disturbed drainage from the spoil area has plugged, water is standing on the upper side of the pile if water continued to back up failure could occur and the material slide

3. Would and/or does damage extend off the disturbed and/or permit area?

DISTURBED AREA

PERMIT AREA

Would: Yes      No   /    
Does: Yes      No   /  

Would: Yes      No   /    
Does: Yes      No   /  

4. Describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not damage would extend off the disturbed and/or permit area.

water is standing on spoil there is a possibility that this could have caused a failure of the pile and slides off the area  
actual damage on the site was slight

Potential damage off the disturbed area. Yes   /   No     

Potential damage off the permit area. Yes   /   No

B. DEGREE OF FAULT (Only one question applies to each violation, check one and discuss.)

( ) No Negligence

If you think this violation was not the fault of the operator (due to vandalism or an act of God), explain. Remember the permittee is considered responsible for actions of all persons working on the mine site.

( / ) Ordinary Negligence

If you think this violation was the result of not knowing about DOGM regulations, indifference to DOGM regulations or the lack of diligence or reasonable care. Explain.

This culvert appears to have plugged after a rainfall event recently. As of 2 weeks before the culvert was open.

( ) Recklessness:

If the actual or potential environmental harm or harm to the public should have been evident to an operator, describe the situation and what if anything, the operator did to correct it prior to being cited.

( ) Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Abatement: Oct 5, 84  
Extended to: Oct 18, 84  
- Oct 31, 84  
- Nov 26, 84

Terminated 11-30-84  
notes by [signature] on 12/31/84

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.

No it may require a bulldozer to clean the mouth and possibly replace the culvert

3. Was the submission of plans prior to physical activity required by this NOV? Yes \_\_\_\_\_ No / If Yes, explain.

DATE

10/3

Thomas W. Wright  
AUTHORIZED REPRESENTATIVE

#5231